



Entered on Docket
September 23, 2009

A handwritten signature in black ink, appearing to read "Bruce A. Markell".

Hon. Bruce A. Markell
United States Bankruptcy Judge

THE LAW OFFICES OF RANDOLPH H. GOLDBERG
RANDOLPH H. GOLDBERG, ESQ.
BAR NO. 5970
4000 S. Eastern Avenue, Suite 200
Las Vegas, NV 89119
(702) 735-1500
Fax: (702) 735-0505
Attorney for Debtors

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

**JAMES DAVIS &
RUBY DAVIS**

Debtor(s).

Chapter 13 Proceedings
Case No.: BK-S-09-15908-BAM
Trustee: Rick A. Yarnall

Date: 6/11/09
Time: 3:30 p.m.

ORDER AVOIDING THIRD TRUST DEED

The Motion of Debtors, JAMES & RUBY DAVIS, to Value Collateral, "Strip Off" and Modify Rights of HFC-USA (CLAIM N/A) Pursuant to 11 U.S.C. 506(a) and 1322, as against Debtors' residential real property, coming on regularly for hearing on JUNE 11, 2009, at 3:30 p.m., with THE LAW OFFICES OF RANDOLPH H. GOLDBERG, appearing for Debtors, and, pursuant to notice duly given, no opposition being filed by creditors, or by the Chapter 13 Trustee, and the Court having heard the representation of counsel, and being otherwise informed, it is

1 hereby **ORDERED, ADJUDGED AND DECREED** that the security interest of HFC-USA in
2 the real property commonly known as 6655 OCTAVE AVENUE, LAS VEGAS, NEVADA,
3 89139-6749, and legally described as follows:
4

5 Sonata Within Pinnacle Peaks Phase 1, Plat Book 112, Page 61, Lot 504, Block 3 is hereby
6 avoided, set aside and forever held for naught and that the claim of the aforesaid creditor in these
7 bankruptcy proceedings shall be treated as unsecured.
8

9 **IT IS FURTHER ORDERED** that the certain Deed of Trust recorded in the Office of the
10 Clark County Recorder on November, 2, 2005 as Document Number 20051102:05234 (See
11 Exhibit A) is hereby removed and expunged from the County records and shall no longer
12 constitute a lien or encumbrance upon the aforesaid real property.
13

14 **IT IS SO ORDERED.**

15 //

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

1 DATED this ____ day of JUNE, 2009.
2

3 THE LAW OFFICES OF
4 RANDOLPH H. GOLDBERG

5 By /S/ RANDOLPH GOLDBERG ESQ.
6 RANDOLPH H. GOLDBERG, ESQ.
7 4000 S. Eastern
8 Suite 200
9 Las Vegas, Nevada 89119
10 Attorney for Debtors
11

12 APPROVED AS TO FORM AND CONTENT
13

14 CHAPTER 13 TRUSTEE
15

16 RICK YARNALL, TRUSTEE
17 701 E. Bridger Avenue, #820
18 Las Vegas, NV 89101
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

GENERAL INFORMATION	
PARCEL NO.	176-14-210-058
OWNER AND MAILING ADDRESS	DAVIS RUBY 6655 OCTAVE AVE LAS VEGAS NV 89139-6749
LOCATION ADDRESS CITY/UNINCORPORATED TOWN	6655 OCTAVE AVE ENTERPRISE
ASSESSOR DESCRIPTION	SONATA WITHIN PINNACLE PEAKS PHASE 1 PLAT BOOK 112 PAGE 61 LOT 504 BLOCK 3 SEC 14 TWP 22 RNG 60
RECORDED DOCUMENT NO.	* 20051102:05234
RECORDED DATE	11/02/2005
VESTING	NO STATUS

*Note: Only documents from September 15, 1999 through present are available for viewing.

ASSESSMENT INFORMATION AND SUPPLEMENTAL VALUE	
TAX DISTRICT	635
APPRAISAL YEAR	2008
FISCAL YEAR	08-09
SUPPLEMENTAL IMPROVEMENT VALUE	0
SUPPLEMENTAL IMPROVEMENT ACCOUNT NUMBER	N/A

REAL PROPERTY ASSESSED VALUE		
FISCAL YEAR	2008-09	2009-10
LAND	63000	21000
IMPROVEMENTS	84977	84922
PERSONAL PROPERTY	0	0
EXEMPT	0	0
GROSS ASSESSED (SUBTOTAL)	147977	105922
TAXABLE LAND+IMP (SUBTOTAL)	422791	302634
COMMON ELEMENT ALLOCATION	0	0
TOTAL ASSESSED VALUE	147977	105922
TOTAL TAXABLE VALUE	422791	302634

ESTIMATED LOT SIZE AND APPRAISAL INFORMATION	
ESTIMATED SIZE	0.10 Acres
ORIGINAL CONST. YEAR	2006
LAST SALE PRICE MONTH/YEAR	453550 11/05
LAND USE	1-10 RESIDENTIAL SINGLE FAMILY
DWELLING UNITS	1

PRIMARY RESIDENTIAL STRUCTURE					
TOTAL LIVING SQ. FT.	2368	CARPORT SQ. FT.	0	ADDN/CONV	NONE
1ST FLOOR SQ. FT.	1058	STORIES	TWO STORY	POOL	YES
2ND FLOOR SQ. FT.	1310	BEDROOMS	4	SPA	YES
BASEMENT SQ. FT.	0	BATHROOMS	2 FULL 1 HALF	TYPE OF CONSTRUCTION	FRAME STUCCO
GARAGE SQ. FT.	388	FIREPLACE	0	ROOF TYPE	CONCRETE TILE

1 ALTERNATIVE METHOD re: RULE 9021:

2 In accordance with Local Rule 9021, the undersigned
3 certifies:

4
5 _____ The court waived the requirements of LR 9021.

6 ~~X~~ I have delivered a copy of this proposed order to all
7 attorneys and unrepresented parties who
8 appeared at the hearing regarding this matter
and/or who filed a written Objection and each
has:

9
10 _____ approved the form of this order:
11 ~~X~~ waived the right to review the order
and/or failed to file and serve papers
in accordance with LR 9021[©].

12 _____ I have delivered a copy of this proposed order to all
13 Attorneys and unrepresented parties who appeared at the
14 hearing regarding this matter and/or who filed a written
15 objection and all have either approved the form of this
16 order, waived the right to view the order, failed to file
and serve papers in accordance with LR 9021[©] and the
following have disapproved the form of the order:

17 _____ No opposition was filed to the motion and no
18 other party or counsel appeared at the hearing.

19 I declare under penalty of perjury under the laws
20 of The State of Nevada the foregoing is true and correct.

21
22 /s/Maile C. Hansen/s/
23 An Employee of
24 THE LAW OFFICE OF
RANDOLPH H. GOLDBERG

25
26 ###